

# Police drones treble - Time for guidance



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## EXECUTIVE SUMMARY

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- *There has been a three-fold increase in the use of drones by law enforcement in England and Wales since 2017.*
- *This development is disparate across the 43 police forces, with different approaches demonstrated in procurement, quantity, capability, usage, and public engagement.*
- *There is no central and overarching law, policy or guidance governing the procurement and use of drones by law enforcement in England and Wales.*
- *Development of centralised guidance and policy is needed to provide transparency and oversight to the operation of drones by law enforcement in England and Wales.*
- *The use of drones by law enforcement without adequate transparency could threaten the policing by consent relationship and damage public trust in the police as shown during the COVID-19 pandemic.*

secure public respect. This is a trust-based relationship which can breakdown when these principles are not upheld.

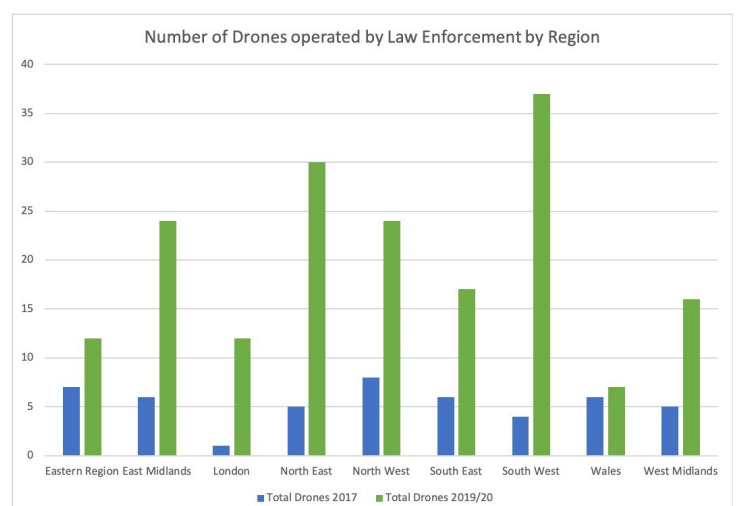
Drones may present a challenge to this consent-based relationship as they have been treated with suspicion by the public. This was made clear during the March 2020 Coronavirus pandemic when Derbyshire Police used a drone to surveil parts of the Peak District National Park. Their identification of visitors to the Park, and subsequent publication of this footage was intended to implement government lockdown guidelines. However, it received broadly negative media coverage, with social media users expressing disgust at this police overreach.

The legal parameters for the use of drones by law enforcement are covered by pre-existing legislation on data protection, namely the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). They are also covered by the Civil Aviation Authority's (CAA) regulations as per the Air Navigation Order 2016. These do not provide for overarching governance of the types, uses and quantity of drones operated by law enforcement and so each of the 43 forces have taken a local approach, resulting in a significant difference for the public depending on region.

## Introduction

The use of drones by law enforcement has rapidly increased in the past few years, and this is likely to continue for the future. These lightweight and relatively inexpensive tools present significant benefits for law enforcement by reducing costs and increasing their ability to carry out their duties. However, the use of drones present legal, moral and ethical issues as has been demonstrated by their use by the military overseas, in particular with regard to 'drone-strikes' on individuals as part of the 'war on terror,' which must be addressed.

Law enforcement in England and Wales has always been governed by the principles of policing by consent. This means that for the police to be effective in their role they rely upon what the UK government describes as "public approval of their existence, actions and behaviour" and they must be able to



*The use of drones by law enforcement has rapidly increased in recent years but with significant differences across regions.*



## Rise of the Machines

In 2018 less than half of the forces in England and Wales had access to drones for operational use, by the commencement of 2020 all of the forces had access, with the number of drones trebling overall. Some of these are small and simple, incapable of operating in bad weather, whilst others are highly sophisticated costing around £60k each and are direct descendants of their military counterparts. The risks associated with the rapid development of technology for law enforcement usage without adequate guidance was recently highlighted in the Court of Appeal, concerning automatic facial recognition software with in South Wales Police.

It is important that forces are able to adequately address local needs, however adequate guidance and consistent policy is required to ensure that this does not result in asymmetrical law enforcement, and an arguable 'postcode lottery' for the public. Furthermore, the varied approaches and funding can result in difficulties for cooperation, which presently is handled differently across the country.

## Safer, Cheaper and Faster

There are substantial benefits for law enforcement and the public from the usage of drones for law enforcement activities. It is important that the public understand the purpose and scope of police drone operations so that they can maintain trust in their local force. There are several examples such as Devon and Cornwall Police who have excellent public engagement and use twitter (@PoliceDrones) to provide updates on their drone activities. This best practice helps to alleviate fears and minimise impact on the policing by consent relationship.

The benefits provided by drones include financial savings, faster response times, better ability to locate missing persons and greater awareness in crowded situations. They may also present additional benefits to law enforcement in the context of COVID 19, in that they are able to observe, analyse and manage mass gatherings without risk to officers and have been used overseas to provide safety notices and disbursement instructions. These safety measures, cost savings and increased flexibility are a powerful tool for policing, but in order to harness them it is vital that overarching policy is developed to maintain the policing by consent doctrine.

## Recommendations

- **Centralised guidance and policy should be developed in conjunction with a Parliamentary Joint Committee to ensure cross-party consent.** The All-Party Parliamentary Group on Drones have undertaken several investigations into drone usage and their expertise and specialist knowledge could be sought in developing this guidance. This centralised guidance will provide transparency and oversight to the operation of drones by law enforcement in England and Wales.
- **A failure to demonstrate transparency in the use of drones by law enforcement could damage the policing by consent relationship** and public trust in the police could be impaired, as seen during the COVID-19 pandemic. **Local forces should be involved in guidance discussions** to share best practice and determine what constitutes appropriate transparency for public engagement.
- This centralised guidance should include the purpose and scope of drone operations, provisions for public engagement, and considerations of the impact this increasing use of technology presents.
- **Appropriate force-specific oversight mechanisms should be developed** to ensure compliance with the guiding principles and provide transparency for the public to increase trust in their local force. These structures may integrate Police and Crime Commissioners, local councils and other key stakeholders to operate alongside national review by Parliament.

## Summary of the research

The data used in this research was gathered from open source information during early 2020. The lack of transparency in the drone usage by some forces means that information is not available for their current use. This is itself problematic as the public in those force areas may be less likely to place trust in their local force if there is a perception that drones are being used in a covert manner.

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